

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN WILLIAMS,

Defendant.

8:13CR401

ORDER

This matter is before the Court on Defendant's request for a sentence adjustment, [Filing No. 58](#). Defendant argues that the Bureau of Prison has failed to consider his joint time in the custody of the federal and state crimes he was charged with. Defendant was arrested on November 20, 2013, and sentenced on August 29, 2014. The Court sentenced him to 140 months and gave him credit for time served, assuming the sentence ran from the date the defendant was under Federal Custody. The Bureau of Prisons has now done an update of his sentence computation. According to the defendant, the Bureau of Prisons is now calculating his prison time from January 29, 2015, when he left the county jail to go to the Bureau of Prisons, adding 14 months to his sentence.

The Court notes that the Government's arrest warrant against the defendant was executed on November 20, 2013, and filed after his initial appearance in this Court. [Filing No. 16](#). Prior to the execution of the warrant the Government filed a Writ of Habeas Corpus Ad Prosequendum ([Filing No. 6](#)) to require the State to release the defendant to Federal custody to attend his initial appearance in this Court. Thereafter, the defendant appeared repeatedly in this Court without any formal request to be removed from the custody of another detaining authority. The defendant's subsequent State sentence

required he serve one count of his sentence concurrently with the sentence imposed by this Court. The Court is concerned that the defendant is not being given credit toward this Court's sentence for the jail term he served under the joint custody of the State and the Federal Governments. Accordingly, the Court is ordering the Government to file a response to [Filing No. 58](#).

THEREFORE, IT IS ORDERED THAT THE Government shall file a response to [Filing No. 58](#) within fourteen days of this Order.

Dated this 28th day of February, 2023.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge